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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 March 1996]

Resolution of the conflict in Kashmir

1. At a time when the Governments of both India and Pakistan are escalating their hostile militarist activities, thereby threatening to drag both countries into yet another war, it is desirable that in the two countries other ways and means for peace come forward. These must prevail over the irresponsible utterances and actions of their political leaders who appear to be indifferent to the suffering that ordinary Indian and Pakistani citizens face as a result of the only policy that New Delhi and Islamabad have in common - the policy of increasing militarization based on mutual suspicion and fear.

2. The main cause of this dangerous armed confrontation is the dispute over Kashmir, which has remained unresolved for almost 50 years. India remains primarily responsible for the continuing political crisis there, while Pakistan is guilty of covert and overt military interventions in Kashmir.

3. There exist in both countries a great number of popular organizations and groups representing the human rights movement which have gathered on several occasions. The main objective of the Pakistan-India People's Forum for Peace and Democracy is to persuade the two belligerent Governments to listen to the voices of their peoples, and enter into meaningful negotiations to adopt policies that would ease tensions and pave the way for lasting peace and friendship in the subcontinent.

4. The Conventions convened by the Pakistan-India People's Forum for Peace and Democracy held in New Delhi (February 1995) and in Lahore (November 1995) commend, inter alia, the following resolutions and recommendations to both countries, India and Pakistan.

(a) On demilitarization. In view of the long-term damaging effects of arms races and the resulting diversion of scarce resources away from pressing social needs, the Governments of India and Pakistan are urged to:

(i) Negotiate a reduction of war capabilities;

(ii) Pull back heavy military deployments from the border and make military exercises of both countries open to observers from either country;

(iii) Prevent cross-border support for insurgencies and proxy wars;

(iv) Conclude their own test ban treaty in advance of the comprehensive test ban treaty;

(v) To undertake measures to counter the adverse effects of foreign and domestic policies of a militaristic nature;

(vi) Refrain from installing weapons of war as national monuments.

(b) On intolerance:

(i) Revise school textbooks, specifically those on history, and explore possibilities for preparing common texts for both countries;

(ii) Monitor communal violence and discrimination in both countries.

(c) On governance:

(i) Repeal laws or acts which offend fundamental rights/human rights, civil liberties and bar judicial review of administrative action, in particular the Public Safety Act (India), Armed Forces Special Powers Act (India), Frontier Crimes Regulations (Pakistan), Maintenance of Public Order (MPO, Pakistan);

(ii) Stop the use of State mechanisms to suppress political dissent;

(iii) Repeal laws which perpetuate economic disparities, on land, rent, forestry, industrial relations and resource distributions;

(iv) Ratify all international instruments in the field of human rights including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Additional Protocols to the Geneva Conventions;

(v) Establish human rights courts at SAARC (South Asian Association for Regional Cooperation) level;

(vi) Promulgate laws pertaining to juvenile justice;

(vii) Repeal laws that discriminate against women;

(viii) After meeting local and national needs, agricultural surplus should preferably be exported to the nations of South Asia;

(ix) Enforce a minimum wage, provide identity cards to all unorganized workers, set up labour boards to regulate employment at the national, State and local levels, implement provision of social security for old age, sickness, disability, accident compensation, maternity facilities for women workers, and give to all categories of workers the freedom to associate and unionize;

(x) Abolish child labour;

(xi) Eliminate bonded labour.

(d) On Kashmir in particular:

(i) Recognize that Kashmir is not merely a territorial dispute between India and Pakistan but concerns the lives and aspirations of the peoples of Jammu and Kashmir, therefore take into consideration the wishes and aspirations of the peoples of Jammu and Kashmir;

(ii) Stop violation of human rights by India in Jammu and Kashmir;

(iii) Stop the supply of arms by all forces of Pakistan which lead to violations of human rights of the civilian population of Jammu and Kashmir;

(iv) Stop projecting propaganda as news;

(v) Appoint a joint Indo-Pakistan Committee on Kashmir, to hold discussions with all the parties, including Kashmiri participants from both sides of the line of control, with the aim of contributing towards a peaceful and democratic solution.

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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Items 5, 8, 9 and 10 of the
provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 March 1996]

1. The right of all citizens to freely voice their needs and opinions is an indispensable ingredient of democratic forms of government: the best legislation is not enough. Irrespective of cultural parameters dictating its outward appearance, it is the openness and spontaneity of the dialogue between the State and the people - the trust - that provides the stability and security to effectively develop and protect a modern society. This is why the International League for the Rights and Liberation of Peoples (LIDLIP) is gravely concerned about the survival of Tibetan people living in the Tibet Autonomous Region (TAR) and in the Tibetan Autonomous Prefectures (TAPs) in Qinghai, Gansu, Sichuan and Yunnan provinces of the People's Republic of China. They enjoy neither freedom of expression to legally voice their plight nor the political power to change their condition. They are prevented from complaining about the take-over of their jobs and natural resources, made to thank the usurpers and connive in their own dispossession. They have been deprived of the economic basis for their own development and that of future generations. They are under constant pressure to distance themselves from or even renounce their culture and religious faith. They are forced to adopt attitudes, values and perspectives imposed by the Chinese authorities. Neither the provisions of China's four successive Constitutions nor the 1984 Law on Regional Autonomy has provided protection for Tibetans, whether as individuals or as a group.

2. Freedom of expression. Tibetans are severely punished for expressing thoughts, opinions or feelings inconsistent with the positions of the Chinese Government. For over a decade, throughout an area of some 2 million km^2, hundreds of demonstrations have been recorded. Other than a few very large ones, most involve less than a dozen people, rarely last more than a few minutes and contain no hint of violence. While many protests have focused on political concepts, it is hard to argue that they represent a serious threat to security and ordre public. The consistently non-violent attitude of the Tibetans stands in sharp contrast to the recorded brutality of the police and the harshness of the sentences. In Lhasa alone, over 600 Tibetans are being held in jail for political motives. One monk is serving 19 years, inter alia, for translating the Universal Declaration into Tibetan.

3. Economic rights. Tibetans are victimized by the inflation produced by unregulated Chinese immigration and commercial activity. They cannot offset rising prices, for their natural resources are already being exploited by the State and the army without fair compensation. Their market position is further weakened by State procurement; arbitrary taxation; confiscation of personal property, commercial assets and resources; official support for Chinese immigrants (housing, better educational facilities, guaranteed employment). Farmers who refused to work without pay to build roads for Chinese geologists and mineral prospectors in 1992 were given sentences of 13 to 15 years. In the 1990s, demonstrations about economic and social conditions have occurred all over Tibet: many Tibetans have been arrested and/or lost their jobs.

4. Political rights. Tibetan officials who show concern about their own people's problems are removed: Lhasa's mayor spoke to the press about the progressive Chinese take-over of entire trades; he was replaced. The leader of the Hainan Party Committee struggled to apply the law mandating the official use of Tibetan. He was ignored, attacked and finally promoted out of

the way. The leader of Dechen TAP planned to export processed agricultural products, eliminating Chinese middlemen. He was transferred out of the public sector.

5. Religious freedom. Religious activities encounter constant interference and restriction. Existing tolerance is not based on respect: in March 1990 President Jiang Zemin called for "gradually wiping out the roots on which religion relies". State schools of Buddhism were founded to train future religious leaders with a combination of Chinese studies and Party doctrine and a rapid overview of selected Buddhist scriptures. Non-State religious institutions must accept State-appointed staff and restrictions of many types. Pressure is brought to bear on some religious institutions through lengthy campaigns of political indoctrination.

6. Racial discrimination. In addition to concerns about the insufficient quantity of schools, high fees, the low academic level and limited relevance of the education provided, there is the problem that discrimination is actively taught in class. Starting in primary school "moral science", formerly called "politics", is taught for many hours a week. In China's 1995 report to the Committee on the Rights of the Child (para. 194) this topic is described as "courses on law and history" designed to introduce "civil rights and fundamental freedoms" and give children "a grounding in the concepts of ethnic equality, respect and tolerance". But in reality, what they are taught is a distorted version of history in which the Tibetan people are "barbaric and primitive" and their Buddhist faith, values and traditions are to blame for their "backward" condition. The children are taught they must listen to the "advanced people" and adopt Chinese values to be led into modernity. Such biased and insulting language also colours the perceptions of the Chinese schoolchildren and plants the seeds of future discrimination and division.

7. Education. At school, at work, and in the media, no unrehearsed discussion of Tibetan cultural, religious and social issues is allowed. Party positions must actively be upheld. Chinese culture is emphatically promoted. Children are taught what they are required to think and say on a considerable number of topics, and their knowledge is tested. Multiple-choice questions contain forbidden options that are actionable: the wrong reply means a scolding, expulsion, even jail. An education designed primarily to align people's beliefs on those professed by a ruling party is in itself a denial of education in its true diversity.

8. Social ostracism. Tibetans who have demonstrated in public, or reported to hold views inconsistent with official Chinese positions find themselves and their relatives classified as "bad families", creating further social divisions and excuses to deprive them of their rights.

9. Censorship. Tibetan publications are subject to intense official scrutiny. Private bookstores have been closed and the owners jailed. Books, tapes and videos containing material by or references to the Dalai Lama are labelled pornography and confiscated. Despite the nominal autonomy of Tibetan areas, it has proved impossible to publish even one of the many dozens of modern books on Tibetan Buddhism. Self-censorship affects the integrity,

creativity and popularity of contemporary authors. Tibet is paying a high price in lost opportunities to advance at its own rhythm and develop its culture within respect for its own values and priorities.

10. Cultural rights. The Chinese authorities maintain a strict monopoly on the Tibetans' image: requests by Tibetan producers to portray historical episodes or contemporary Tibetan realities are turned down. Only Chinese producers can make Tibetan films. These fundamentally stereotype Tibetans either as "old society" types, unreformed and ignorant but capable of gratitude, or modern but displaying Chinese characteristics and promoting Chinese policies. Two months ago, a Tibetan graduate student of music at a college in the United States was detained in Tibet while making a documentary about traditional music.

11. Propaganda. The gulf between the official and unofficial versions of reality is shown in the following incident: in 1992, a Lhasa TV programme showed Tibetan students sent to study in Shanxi province, praising and thanking the Government. The film unexpectedly ran on past the end of the formal sequence, and the children, now speaking naturally and facing into the camera, bitterly complained about the harsh treatment, insalubrious conditions and being fed only twice a day, begging to return home to their families.

12. Indoctrination. Every year, 10,000 Tibetan teenagers are sent to distant Chinese schools. During the seven-year course, they are allowed home only once after the first unbroken four-year period. Isolated from family and friends - and from local Chinese - these students' situation contrasts sharply with the Chinese teachers posted in TAR, who require six months of home leave for every 18 months of service. Fed a steady diet of official statements that do not conform to reality and bereft of any possibility of expressing their genuine feelings and opinions, Tibetans are in danger of losing their bearings.

13. Freedom of movement. The remarkable development of China's coastal Special Economic Zones (SEZ) owes a great deal to the four economic entities situated opposite each SEZ. In 1993, areas in the TAR were declared Special Economic Areas, but the required freedom of travel and communication to Nepal and India has not ensued. Obtaining a passport is immensely complicated, requiring permits from four different offices and large bribes. There is refoulement by Nepalese border guards of escaping Tibetan refugees, despite general knowledge about the prevalence of torture in Chinese jails.

14. As the People's Republic of China is a party to human rights instruments such as the conventions on racial discrimination, torture and genocide, the International League for the Rights and Liberation of Peoples is confident that China will want to set an example as a permanent member of the Security Council by complying with its treaty obligations and honouring and respecting the fundamental rights and freedoms of the Tibetan people.